

STAFF REPORT

TO: Planning & Economic Development Committee

DATE: 5/13/09

FROM: Shannon Tuch, Assistant Planning & Development Director

SUBJECT: Airport Zoning Options

Summary

The City of Asheville received a copy of a signed resolution and cover letter from the Asheville Regional Airport Authority requesting that the City adopt specific land use/zoning ordinances for the Airport Property development at the Asheville Regional Airport.

Background

The Asheville Regional Airport Authority was established in 1979 as a joint governmental agency organized and created by the City of Asheville and Buncombe County, pursuant to General Statutes, for the purpose of maintaining, operating, regulating and improving the Asheville Regional Airport. The majority of the property is zoned Industrial (IND) which generally accommodates the uses associated with the airport functions; however, as a general zoning designation, it is subject to basic development standards that are designed for a wide variety of land uses occurring throughout the city. In recent years, the airport has submitted a number of modest development projects where applying basic development standards proved challenging, particularly for the aviation related projects.

Regional airports are generally recognized to be a very specialized and unique land use and it is not unusual for municipalities to apply special land use designations and standards to airport properties. There are a variety of tools that the City could consider when responding to this request and a general description is offered below:

- 1) **Develop a Master Plan** – the airport has initiated a long range masterplan for the airport property. This plan could be refined to include a site specific plan that could be considered and adopted by City Council. Special allowances for certain development standards could be incorporated and approved as part of the adoption of the plan and separate phases could be reviewed on a staff level only to verify compliance with the plan and the special standards established.
- 2) **Create a New Airport Specific Zoning Designation** – city staff, in collaboration with the Airport Authority, could develop a new zoning designation that specifically addresses the unique nature and needs of the aviation related projects. This would require the creation of the new zoning standards (wording amendment) in addition to a separate action to apply the new zoning designation (rezoning).
- 3) **Establish a New Authority by Special Act of the NC General Assembly.** Similar to what the Pitt-Greenville Airport Authority established (also true of other authorities around the state) and is another option here and would accomplish much of what the City could accomplish through the creation of Airport Specific Zoning.
- 4) **Allow the Airport to Develop their own Zoning Authority** –Under NC law, Article 4 of NCGS Chapter 63 (Model Airport Zoning Act, herein "MAZA"), any two or more political subdivisions (local governments) may, pursuant to a process specified

in the statute, create a joint board and delegate to the board the power to promulgate, administer and enforce airport zoning regulations. The regulations have to relate to protecting the aerial approaches to the airport, and thus are limited in effect. It appears that these regulations--as they affect landing approaches/clear zones, etc.--may be effective beyond the corporate boundaries of the political subdivision (at least as to property owned by that subdivision). The Asheville Airport Authority is a joint agency comprised of Asheville and Buncombe County, but was established by an interlocal agreement (different law) but could exercise this option. The extent of what some of the controls may be are not clear and staff is attempting to clarify.

- 5) **Establish an Airport Overlay** – this may be in conjunction with the establishment of a special zoning designation and would extend beyond the boundaries of airport property. The primary purpose of this would be to help protect the aerial approach to the airport but could, unlike the Zoning Authority, also include other prohibitions to help mitigate land use conflict (typically noise).